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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,791	05/09/2001	Hiroshi Kutsumi	MTS-3257US	3296
7590		08/27/2007		
Ratner & Prestia Suite 301 One Westlakes, Berwyn P.O. Box 980 Valley Forge, PA 19482-0980				
			EXAMINER	
			POND, ROBERT M	
			ART UNIT	PAPER NUMBER
			3625	
			MAIL DATE	DELIVERY MODE
			08/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/851,791

Applicant(s)

KUTSUMI ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,9,11-39,48,49 and 51-74 is/are pending in the application.
- 4a) Of the above claim(s) 1-4,9,11-27 and 29-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28,48,49,52-54 and 56-74 is/are rejected.
- 7) ☒ Claim(s) 51 and 55 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The Applicant amended claims 28 and 48 and based arguments on the amended subject matter. All pending claims (28, 48, 49, and 51-74) were examined in this final office action.

### ***Response to Arguments***

Applicant's arguments filed 11 June 2007 have been fully considered but they are not persuasive. The combination of Nakayama and Petra teach and suggest the claimed invention as amended. Petras specifically discloses rewarding those who contribute ratings with access to additional content. Please note the mere fact that a user contributes ratings that is used by others is an act of creating content.

The Applicant is reminded that twice rejected claims are eligible for appeal.

### ***Allowable Subject Matter***

1. Claims 51 and 55 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2. Claims 28, 48, 49, 52-54, and 56-74 are rejected under 35 USC 103(a) as being unpatentable over Nakayama (Paper #20051019, US 6,339,774) in view of Petras (US 7,143,089, previously published as US 2001/0047290 cited in Paper #20060523).**

Nakayama teaches an information sharing system and method adapted to determining the degree of contribution of a specific user to the system on the basis of the frequency of access and the contents retrieved by the user and feeding it back to the user in order to give an incentive to the user to further the utilization of information (see at least col. 1, line 52-57). Nakayama teaches users disclosing content for information sharing by using the content registration to submit content to a content database (see at least Fig. 91 (9104, 9108); Figs. 92-98). Nakayama teaches rewarding users with positive incentives for registering content based on frequency, accessing content, making evaluations, and submitting questions, and further Nakayama further teaches penalizing a

Art Unit: 3625

user for not making a positive contribution (please note: system recognizes that user "Akoi" as receiving zero points for information registration and user "Yamada" negative points for evaluations) (see at least Fig. 124). Nakayama further teaches:

- Recommended contents are output by output means: user submits search terms or query to receive content recommendations consistent with search terms (see at least Figs. 5A and 5B).
- Checking access history of the user: stores accumulated history of access and content registration (Fig. 124).
- Number of registration times: track frequency of registration (see at least Fig. 124 (REGISTRATION); col. 57, lines 32-38).
- Content registration: user registers content (see at least Fig. 91 (9104, 9108); Figs. 92-98).
- History: stores user information references and information utilization and associates with (see at least Fig. 77A (reference history); col. 43, lines 1-9).
- Recommendation: returns search content, provides evaluations as being recommendable.
- Extraction means: (see at least col. 24, lines 56-63).
- Content: please note: content can pertain to any topic (not limited to business use).

Nakayama teaches all the above as noted under the 103(a) rejection and teaches a) the importance of populating the information sharing system with user content, b) users receiving positive incentives for frequency of registering content and frequency of accessing content in an online information sharing system, and c) providing zero incentives when content is not registered, but does not earning access to additional content based on one's content contribution to the service. On the other hand, Petras teaches users contributing content via a system that creates and maintains a database of information utilizing user opinions about subjects, particularly exceptional experiences and that users' access is not restricted to the information unless it is a fee-based subscription site (see at least col. 5, lines 31-36). Petras teaches a feature of the invention is to attract users and develop user loyalty through personal involvement and content contribution by way of the use of a personal journal and participation in the rewards of the success of the web site. The system provides a way to compensate contributors and guests for their efforts in a manner that ensures a dynamic, comprehensive and accurate database of information for use by guests to the Web site (see at least B35). Petras teaches contributors earning reward points, and further teaches a guest earning points in the guest pool of earned points, or earning additional access to database content for his/her contributions of ratings, comments, opinions, etc (i.e. receiving access to content based on contributing content) (see at least col. 19, lines 5-9). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and

method of Nakayama to base rewards for contributing content to the service by earning additional access to content as taught by Petras, in order to encourage user contributions and use of the database service. One of ordinary skill in the art would ascertain the value of granting access to additional content in lieu of charging for access to additional content under a fee-based subscription model.

Nakayama teaches all the above as noted under the 103(a) rejection but does not disclose wherein the one user's received recommended contents are in number at least greater than the number of times the one user carried out content registration. Petras teaches all the above as noted under the 103(a) rejection and further teaches users earning bonus points or earning three times the points based on perceived value of the user's contribution to the service (see at least col. 53, lines 46 through col. 54, line 48). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Nakayama to reward a user more than would typically be rewarded based on performance or perceived value as taught by Petras, in order to encourage user contributions and use of the database service. One of ordinary skill in the art would ascertain that allowing a guest to access additional content could be based on the same principle as for other users and thereby allowing the guest to access more content than contributed.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

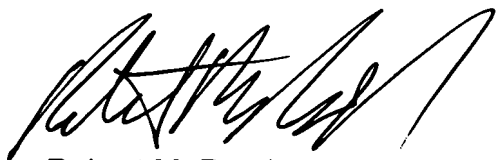
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.



Art Unit: 3625

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Robert M. Pond', written in a cursive style.

Robert M. Pond  
Primary Examiner  
August 22, 2007